

SUBJECT: Polls on judicial candidates by bar association members

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 7 ayes — P. Gallego, H. Cuellar, Goodman, Hilbert, Puente, Sadler, Zbranek
0 nays
4 absent — S. Thompson, Alvarado, Hartnett, Schechter

WITNESSES: None

DIGEST: HB 317 would prohibit an attorney from participating in a poll conducted by the State Bar or a local or county bar association on the qualifications of judicial candidates unless the attorney certified prior professional interaction with a candidate evaluated.

The State Bar would be required to adopt a certification form to be completed by attorneys participating in a judicial candidates poll. The form would have to accompany the ballot and be returned with the ballot for the ballot to be counted. The form would have to identify the attorney completing the ballot but protect the identity of a candidate evaluated on the ballot as well as the contents on the ballot.

The bill would take effect September 1, 1993 and apply to polls conducted on or after that date.

SUPPORTERS SAY: Often voters are unfamiliar with the judicial candidates in an election and may tend to give great credence to the results of State Bar and local bar association polls. The public often trusts these polls, believing attorneys would best be able to determine the merit of judicial candidates.

However, attorneys who vote in these polls are not always well informed about the candidates. They may vote for candidates with whom they have socially interacted, even though they have no knowledge of the candidate professionally, or vote based on vague reports of professional competence or on pointed suggestions from their law firm.

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Under this bill, judicial candidates would be considered on their professional merit, since all voters in the poll would have had at least some professional knowledge of the candidates. Then, those who rely on these polls would have a stronger basis for such reliance, and the election of judicial candidates would become more reasoned and equitable.

OPPONENTS
SAY:

The conditions imposed by this bill for participation in bar polls would so limit those participating as to render the results meaningless. Many attorneys may be familiar enough with judges, such as Texas Supreme Court judges, to have an informed opinion about their qualifications without ever having had direct professional interaction with them. Regardless of whether it is appropriate to restrict polls conducted by the State Bar, the state certainly has no business telling local bar associations how to conduct their polls.

NOTES:

A planned floor amendment would prevent bar polls from inquiring about a judicial candidate's qualifications. A second amendment would give citizens access to the certificates, so they could determine who was voting in these bar-sponsored judicial polls, and if there was a connection between poll voters and the candidates.